

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

IN RE: APRIL LASKER

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No. 12-EEC-006

Appeal of OEIG
Revolving Door
Determination

DECISION

This cause is before the Executive Ethics Commission (“Commission”) on appeal from a determination by the Office of the Executive Inspector General for Agencies of the Illinois Governor.

FINDINGS OF FACT

A complete copy of the record of proceedings has been reviewed by the members of the Executive Ethics Commission. The record consists of the Attorney General’s March 5, 2012 Brief in Support of Appeal, the Office of the Executive Inspector General for Agencies of the Illinois Governor’s March 9, 2012 Objection to Appeal of Revolving Door Determination, and DuPage Housing Authority’s March 10, 2012 Objection to Appeal.

Based upon this record, the Commission makes the following findings of fact:

1. On February 24, 2012, the Office of the Executive Inspector General for Agencies of the Illinois Governor (OEIG) made a revolving door determination pursuant to 5 ILCS 430/5-45(f) with respect to April Lasker’s (Lasker) proposed employment with the DuPage Housing Authority (DHA).
2. The determination concluded that “**you are not restricted** from accepting the employment opportunity described in your materials by the Revolving Door prohibitions of the State Officials and Employees Ethics Act.” (emphasis in original).
3. On March 5, 2012, the Office of the Illinois Attorney General filed a brief in support of its appeal.
4. Lasker served as Manager of the Rental Housing Support program for Illinois Housing Development Authority (IDHA) from 2007 until she terminated employment on August 5, 2011.
5. Upon her termination of State employment, Lasker accepted a position with National Equity Fund, Inc.

6. On February 7, 2012, Lasker interviewed with DHA for the position of Director of Finance.
7. On February 10, 2012, Lasker was offered the position of Director of Finance for the DHA. She notified the OEIG of this offer of employment on February 15, 2012.
8. In the year prior to Lasker's termination of State employment, she had certain involvement concerning an IDHA award to the DuPage Housing Authority, which resulted in IHDA and DHA entering into a Local Administering Agency Funding Agreement dated July 1, 2011 for an allocation of \$238,333.00.
9. According to the Office of the Attorney General, Lasker's role in the decision to make this award took the form of:
 - a. Creating the RFP process under which DHA submitted its application to the program;
 - b. Serving as a member of the review team for RFPs received from DHA; and
 - c. Presenting DHA's application to IDHA's board.
10. According to an investigation report from the OEIG, Lasker's supervisor stated that Lasker was responsible for administering the entire program for the Rental Housing Support Program, which included selecting vendors, drafting requests for proposals, and monitoring vendor's compliance with the program. DHA is a vendor in the program.
11. According to the OEIG, the DHA proposal was scored by a two-person team. Lasker was a member of a twelve-person review panel that discussed the scores awarded by the two-person review team. Afterward, all applications were discussed in a group consisting of Lasker, her supervisor and the Executive Director of IDHA to determine the appropriate level of funding. Lasker then presented the DHA proposal to the IDHA Board of Directors, which asked questions and made the decision to award the grant. Lasker's presentations to the IDHA board usually lasted about ten minutes.
12. Lasker also served as the grant monitor once a Local Administrative Agency, such as DHA received the award. She was responsible for ensuring that DHA set up contracts with landlords and ensuring that landlords received payments from DHA.
13. Lasker also supervised the audit of DHA.
14. The Commission has sought written public opinion on this matter by posting the appeal on its website and posting a public notice at its offices in the William Stratton Building.

CONCLUSIONS OF LAW

1. An Executive Inspector General's determination regarding revolving door restrictions may be appealed to the Commission by the person subject to the decision or the Attorney

General no later than the 10th calendar day after the date of the determination. 5 ILCS 430/5-45(g).

2. The present appeal of the February 24, 2012 revolving door determination made by the OEIG pursuant to 5 ILCS 430/5-45(f) with respect to April Lasker's proposed employment is properly before the Commission and the Commission has jurisdiction to consider the appeal.

3. Subsection (a) currently provides:

No former officer, member, or State employee, or spouse or immediate family member living with such person, shall, within a period of one year immediately after termination of State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the officer, member, or State employee, during the year immediately preceding termination of State employment, participated personally and substantially in the award of State contracts, or the issuance of State contract change orders, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary. 5 ILCS 430/5-45(a).

4. Lasker participated personally and substantially in the award of a State contract with a cumulative value of \$25,000 or more to her prospective employer when she served as a member of the review panel for RFPs received by DHA.
5. Lasker participated personally and substantially in the award of a State contract with a cumulative value of \$25,000 or more to her prospective employer when she reviewed DHA's application.
6. Lasker participated personally and substantially in the award of a State contract with a cumulative value of \$25,000 or more to her prospective employer when she presented DHA's application to IDHA's board.
7. Lasker's personal and substantial participation in these matters occurred within one year of her termination of State employment on August 5, 2011.
8. The Ethics Act provides that "[i]n deciding whether to uphold an Inspector General's determination, the appropriate Ethics Commission...shall assess, in addition to any other relevant information, the effect of the prospective employment or relationship upon the decisions referred to in subsections (a) and (b), based upon the totality of the participation by the former officer, member, or State employee in those decisions." 5 ILCS 430/5-45(g).
9. The Commission considers the following relevant information as aggravating:
 - a. The fact that Lasker was responsible for administering the entire program for the Rental Housing Support Program.

- b. The fact that Lasker served as a grant monitor, including for DHA's grant, once grants were approved by IDHA.
- c. The fact that Lasker supervised the audit of DHA.

10. The Commission considers the following relevant information as mitigating:

- a. The fact that Lasker's first position upon terminating her State employment was with an entity other than DHA.
- b. The fact that Lasker has waited approximately six months after terminating her State employment before seeking employment with DHA.
- c. The fact that Lasker did not make final decisions with respect to IDHA's decision to enter into a Local Administering Agency Funding Agreement dated July 1, 2011 for an allocation of \$238,333.00.

11. Considering all relevant information and the effect of the prospective employment upon the decisions referred to in subsections (a) and (b) of 5 ILCS 430/5-45, the Commission finds based upon the totality of the participation by the employee in those decisions, that Lasker participated personally and substantially in an award of a State contract with a cumulative value of \$25,000 or more to her prospective employer within one year of his termination of State employment.

WHEREFORE, for the foregoing reasons, the Commission grants the Attorney General's appeal and vacates the OEIG's February 24, 2012 determination. April Lasker's proposed employment with the DuPage Housing Authority would violate the State Officials and Employees Ethics Act's revolving door prohibition.

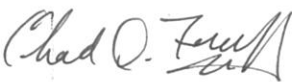
This is a final administrative decision and subject to the Administrative Review Law.

ENTERED: March 15, 2012

SO ORDERED.

The Executive Ethics Commission

By:



Chad D. Fornoff
Executive Director